

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5541 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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HEIRS OF CHHAGANLAL SHIVLAL DHOLI

Versus

JAI HARI TEMPLE TRUST  
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Appearance:

MR DF AMIN for Petitioners

MR MD PANDYA for Respondent No. 1

V.M.PANCHOLI,ASTT.GOVERNMENT PLEADER for Respondent No. 2  
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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 05/08/1999

ORAL JUDGEMENT

In this petition under Article 227 of the Constitution, the petitioners claiming to be the heirs of the deceased tenant of the land in question at Godhra which was owned by the respondent No.1 have challenged the judgment and order dated 15.4.86 passed by the Gujarat Revenue Tribunal in Revision Application No.28/84

passed under section 76 of the Bombay Tenancy & Agricultural Lands Act (hereinafter referred to as "the Act"). By the judgment under challenge the tribunal confirmed the finding of the Mamalatdar & Agricultural Lands Tribunal as well as the Deputy Collector that in fact the land in question was of new and impartible tenure and that in view of Form I executed by the occupants of the land, the land could not have been transferred or leased without prior permission of the Collector. Admittedly, no such permission was obtained. All the authorities have given concurrent findings that the provisions of Tenancy Act are not applicable to the land in question and that in any view of the matter the land was acquired and compensation was awarded by the land acquisition officer. The dispute, therefore, appears to be the petitioners' claim for a share in the amount of compensation.

In the facts and circumstances of the case, and particularly, in view of the concurrent findings given by all the authorities, there is no scope for interference with the impugned judgment of the Tribunal under Article 227 of the Constitution. The petition is, therefore, dismissed.

Rule is discharged. No order as to costs.

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